



Attorney Docket # 5029-29

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Karl-Heinz KNOBL et al.

Serial No.: 09/748,600

Filed: December 26, 2000

For: Audio and/or Video System, particularly for
Motor Vehicles or Home Applications

Examiner: Saltarelli, Dominic D.
Group Art: 2611

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

This is a Request for a Panel Review of Issues on Appeal in accordance with the Office Gazette Notice dated July 12, 2005. The present request is filed concurrently with a Notice of Appeal and is filed before an Appeal Brief. No amendments are being filed with this request.

Arguments supporting the Request for Review begin on page 2 of the present communication.

ARGUMENTS

This Notice of Appeal and Request is filed in response to the final Office Action dated April 8, 2005 and in response to the Advisory Action dated July 28, 2005.

The matter to be reviewed is whether independent claims 1 and 27 are obvious over U.S. Patent No. 5,574,514 (Tanihira) in view of U.S. Patent No. 6,232,539 (Looney) and U.S. Patent No. 5,973, 722 (Wakai).

Independent claims 1 and 27 each recite (1) that each of the audio/video appliances transmit information about the available audio/video presentations to said local area network and (2) that a control unit stores the information about the audio/video presentations transmitted by the audio/video appliances. It is respectfully submitted that the combined teachings of Tanihira, Looney and Wakai fail to teach or suggest this limitation.

Tanihira discloses an audio/video device for a communication system in which a plurality of audio/visual devices are interconnected by a bus. Fig. 2 of Tanihira shows a bus 71 connecting various A/V devices 31-36, 41, and 43. Tanihara also discloses how the controllers SCU 21 or commanders 11, 12 use addresses to communicate with the individual A/V devices (col. 6, line 57 to col. 7, line 57). Col. 7, lines 50-57 of Tanihira specifically lists the various control buttons or keys on the commanders 11, 12 for controlling the various devices. The commanders 11, 12 are analogous to universal remote control units which include controls for TV, VCR, and DVD. As acknowledged in the Office Action, Tanihira fails to teach or suggest that the audio/video appliances transmit information about the available audio/video presentations to said local area network.

Looney discloses a single A/V appliance, i.e., a music organizer, for organizing music stored in a database in the single A/V appliance. Looney discloses at col. 6, line 27 to col. 8, line 18 the method for categorizing and making available individual songs. According to a specific embodiment for adding songs, a user selects songs from a database owned by a service provider (col. 6, line 62 to col. 7, line 6), the service provider creates a CD which is sent to the user (col. 7, lines 25-28), and the user saves the songs from the CD into the database of the music organizer (col. 7, line 43 to col. 8, line 4). Instead of being collected from a CD, the songs stored in the database may alternatively be collected from various sources as disclosed at col. 7, lines 27-37. The saved songs in the database on the music organizer (i.e., the single A/V appliance) are displayed to the user (col. 8, lines 3-4). Accordingly, Looney discloses only that a list of songs in a database of the music organizer is presented to a user by a display on the music organizer. There is no teaching or suggestion in Looney that the A/V appliance transmits available presentations to a local area network.

The Examiner alleges that it is obvious for one skilled in the art to send information to a central controller, such as controller 11a in the commander of Tanihira via a local area network. However, there is no teaching or suggestion for this in either Tanihira or Looney. Looney does not disclose that an A/V appliance transmits information about available presentations to a controller via a local area network, as expressly recited in independent claims 1 and 27. Rather, Looney discloses that the information is sent to a controller within the device of Looney.

In the Advisory Action, the Examiner states that the Looney discloses receiving information about available presentations and transmitting such information to a central

controller. However, the central controller disclosed by Looney is a controller within the single device and receives only information about presentations within the single A/V appliance. Independent claims 1 and 27 recite (1) that each of the audio/video appliances transmit information about the available audio/video presentations to said local area network and (2) that the control unit "stores the information about the audio/video presentations transmitted by said audio video appliances". Since the controller of Looney is arranged within the single device, there is no teaching or suggestion of a central controller for receiving information about presentations from a plurality of audio/video appliances, as expressly recited in independent claims 1 and 27.

Wakai also fails to teach or suggest the limitation. Wakai discloses a digital audio/visual on demand and broadcast distribution system. More specifically, Wakai discloses an in-flight entertainment system in which content to be stored is entered via floppy disk drive, CD ROM, or a magnetic tape drive (col. 6, lines 8-17 of Wakai). The content is stored to one of a plurality of head end servers 100 including a data server 102, a media controller 104, and media servers 106, 108 (see also col. 5, lines 35-50). Wakai further discloses that the control data used to configure and control the in-flight system is loaded into the system through floppy disks (col. 12, line 66 to col. 13, line 6). A list of available content is maintained in the media controller 104 and is updated when the content of the media servers is changed (col. 19, lines 33-36). Since both the content and list of available content are loaded into the system Wakai fails to disclose that each of a plurality of A/V appliances of transmit the information about available presentations to a local area network, as expressly recited in independent claims 1 and 27.

The Office Action states that each server is considered to be a different source and that the media controller 104 maintains a list of all material independent of the source. However, even if the servers 102, 104, 106, and 108 are considered to be different sources, the servers can not be considered different A/V appliances as recited in independent claims 1 and 27, because Wakai states that the media controller 104 maintains a list of the content in the media servers 106, 108.

In view of the above remarks, independent claims 1 and 27 are allowable over the combined teachings of Tanihara, Looney and Wakai.

Dependent claims 2-26 and 28-43, each being dependent on one of independent claims 1 and 27, are deemed allowable for at least the same reasons expressed above with respect to independent claims 1 and 27, as well as for the additional recitations contained therein.

Respectfully submitted,
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Dated: October 4, 2005